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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,127	10/22/2001	Wolfgang Schonberger	A-2986	7101

7590

11/21/2002

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EXAMINER
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HINZE, LEO T

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,127

Applicant(s)

SCHONBERGER, WOLFGANG

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6-9 are objected to because of the following informalities:

Claim 6 recites the limitation "glazed roller" in line 2. Based on the disclosure, it appears the applicant intended to claim a "glazing roller."

Claims 6-9 use the term "said first-mentioned roller." There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the term "at least approximately" in line 3 is a relative term which renders the claim indefinite. While the specification provides a range of the angle  $\alpha$  and hence a definition of the term "approximately" on pg. 21, lines 4-11, the term "at least approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the

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scope of the invention. The limitation "radial oscillation direction relative to said roller" has been rendered indefinite by the use of the term "at least approximately."

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeschke, et al. USPN 4,089,264, in view of Rambauser.

Jeschke teaches:

an inking unit (Figure 1) in a printing press, comprising an ink-metering device (1) having at least one metering element (6) operatively engaging with a roller, and an oscillation device (11,13) assigned to said metering element for mounting said metering element so that it is oscillatable between a feeding position and a spaced-away position of the metering element (claim 1);

an inking unit wherein said oscillation device has an electromagnetic (11, 13) oscillation drive drivingly connected to said metering element (claim 3);

an inking unit wherein said oscillation device has a spring (15) for setting said metering element against said roller (claim 4);

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an inking unit including at least another metering element assigned to said first-mentioned roller (e.g. Figure 2, ref. 9) (claim 8);

an inking unit wherein said metering elements are mounted alternately with one another for removal thereof from said first-mentioned roller (e.g. Figure 2) (claim 9);

a printing press (e.g. col. 1, lines 1-2) having an inking unit (Figure 1) comprising an ink-metering device (1) having at least one metering element (6) operatively engaging with a roller (2), and an oscillation device (11,13) assigned to said metering element for mounting said metering element so that it is oscillatable between a feeding position and a spaced-away position of the metering element (claim 10).

Jeschke does not teach said roller being one of an ink form roller and a roller operatively engaging with an ink form roller (claims 1 and 10).

Rambauser teaches said roller being one of an ink form roller (7) and a roller (8) operatively engaging with an ink form roller (e.g. Figure 1) (claims 1 and 10).

Regarding claims 1 and 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jeschke to engage the metering element on one of an ink form roller and a roller operatively engaging with an ink form roller because Rambauser teaches that this allows extremely short travel distances of ink to the plate cylinder (e.g. col. 2, lines 14-15).

Regarding claims 3, 4, 8, and 9, Jeschke teaches all that is claimed, as discussed above.

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6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeschke, et al., USPN 4,089,264 in view of Rambausek as applied to claim 1 above, and further in view of Cappel, et al., USPN 3,913,479.

Jeschke and Rambausek together teach all that is claimed as discussed in the above rejection of claim 1. Jeschke and Rambausek do not teach:

wherein said oscillation device has a guide for guiding said metering element in an at least approximately radial oscillation direction relative to said roller (claim 2);

an inking unit wherein said metering element is a metering blade having a working region terminating in a cutting edge, said working region of said metering blade having a cross-section thickness which remains constant (claim 5).

Cappel teaches:

wherein said oscillation device has a guide (92, 93) for guiding said metering element in an at least approximately radial oscillation direction relative to said roller (claim 2);

wherein said metering element is a metering blade (75) having a working region terminating in a cutting edge, said working region of said metering blade having a cross-section thickness which remains constant (e.g. Figure 3) (claim 5).

Regarding claims 2 and 5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Jeschke wherein said oscillation device has a guide for guiding said metering element in an at least approximately radial oscillation direction relative to said roller, and wherein said metering element is a metering blade having a working region terminating in a cutting edge, said working region of said metering blade having a

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cross-section thickness which remains constant, because Cappel teaches that such an embodiment allows precision metering and of ink and is capable of operating over long periods of time without readjustment.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeschke, et al., USPN 4,089,264 in view of Rambausek as applied to claim 1 above, and further in view of Olawsky, et al.

Jeschke and Rambausek together teach all that is claimed as discussed in the above rejection of claim 1. Jeschke and Rambausek do not teach including at least one glazed roller disposed downline from said metering element along a peripheral line of said first-mentioned roller, said glazed roller being exclusively in rolling contact with said first-mentioned roller.

Olawsky teaches a rider roller thrown onto a roller downstream from a doctor blade (e.g. col. 1, lines 36-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jeschke to include at least one glazed roller (rider roller) disposed downline from said metering element along a peripheral line of said first-mentioned roller, said glazed roller being exclusively in rolling contact with said first-mentioned roller, because Olawsky teaches that a glazed (rider) roller is effective for smoothening of the ink film before the ink is applied to the inking form.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeschke, et al., USPN 4,089,264 in view of Rambausek as applied to claim 1 above, and further in view of Uera, et al.

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Jeschke and Rambauser together teach all that is claimed as discussed in the above rejection of claim 1. Jeschke and Rambauser do not teach an inking unit including an ink-feeding device disposed upline of said metering element alongside a peripheral line of said first-mentioned roller.

Uera teaches an inking unit including an ink-feeding device (2) disposed upline of said metering element (411) alongside a peripheral line of said first-mentioned roller (3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jeschke to include an ink-feeding device disposed upline of said metering element alongside a peripheral line of said first-mentioned roller, because Uera teaches that this is an equivalent, alternative means for feeding ink.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.

*Leo T. Hinze*

Leo T. Hinze  
Patent Examiner  
AU 2854  
November 13, 2002

*Andrew H. Hirshfeld*

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